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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
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11	FANG-YUH HSIEH,)	
12	Plaintiffs,)	No. C06-5281 PJH (BZ)
13	v.)	ORDER GRANTING EXTENSION
14	R. JAMES NICHOLSON,)	OF TIME
15	Defendants.)	
16	<hr/>		

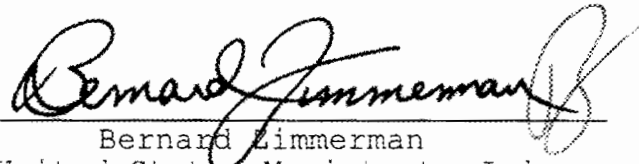
17 By letter dated December 18, 2006, a copy of which is
18 attached, defendant has requested a brief extension of time to
19 respond to two sets of document requests to which a response
20 is currently scheduled for January 2 and 3, 2007. The basis
21 for the request is that defense counsel and representatives of
22 the defendant responsible for producing the documents will be
23 out of the office for the holidays. Plaintiff objects to any
24 continuance, suggesting that everyone reschedule their holiday
25 vacations. Plaintiff does not explain why his document
26 requests are so urgent. A copy of his objection is attached.

27 Good cause appearing, **IT IS ORDERED** that the request for
28 an extension is **GRANTED**. Defendant's responses are now due

1 January 19, 2007.

2 Defense counsel also requests that the discovery
3 conference scheduled for January 4, 2007 be continued because
4 she will not be returning to the office until January 5, 2007.
5 **IT IS THEREFORE ORDERED** that the discovery conference
6 presently scheduled for January 4, 2007 at 3:00 p.m. is
7 continued to January 9, 2007 at 2:00 p.m.

8 Dated: December 21, 2006

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11 Bernard Zimmerman
United States Magistrate Judge

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U.S. Department of Justice

United States Attorney
Northern District of California

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DEC 18 PM 2:52
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NORTHERN DISTRICT OF CALIFORNIA

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December 18, 2006

VIA HAND DELIVERY

The Honorable Bernard Zimmerman
United States Magistrate Judge
Courtroom G, 15th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Re: *Fang-Yuh Hsieh v. R. James Nicholson*
U.S.D.C., N.D. Cal., Case No. C 06-5281 PJH (BZ)

Dear Judge Zimmerman:

I represent defendant R. James Nicholson, Secretary of the Department of Veterans Affairs, in the captioned Title VII lawsuit. Pursuant to the Initial Discovery Order, I write to request (1) a two-week extension of time to object and respond to plaintiff's two sets of document requests, and (2) a one- or two-week continuance of the initial discovery conference, currently set for January 4.

On November 30 and December 1, plaintiff Fang-Yuh Hsieh served on the defendant two sets of document requests, seeking 29 separate categories of documents going back to the year 2001 and earlier. Under Federal Rule of Civil Procedure 34, objections and responses to those two sets of discovery are due by January 2 and 3, respectively. Additionally, an initial discovery conference is scheduled for January 4 at 3:00 p.m.

I will be out of the office (and out of the country) starting December 22, and returning to the office on January 5. Additionally, the persons at the VA who are in the process of compiling the information and documents (Barbara Konno and Lori Churby) will be out of the office, respectively, from December 21 through January 3, and from December 22 through January 8. Furthermore, defendant has been unable to reach two of the persons (Dr. David Ronis and Dr. John Feussner) who are essential to responding to the document requests.


I telephoned Dr. Hsieh, requesting a two-week extension to object and respond to the document requests, and requesting that he stipulate to continue the January 4 conference, explaining I would be out of the country and the relevant VA persons would also be out. He refused to extend the time or stipulate. Additionally, I advised Dr. Hsieh we would need to meet in person to discuss those issues, pursuant to the Initial Discovery Order, but he stated he did not have time.

The Honorable Bernard Zimmerman
December 18, 2006
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In light of those circumstances, the defendant respectfully requests that the Court (1) extend defendant's time to object and respond to plaintiff's two sets of document requests by two weeks, and (2) continue the January 4 discovery conference by one or two weeks.

Respectfully submitted,

Kevin V. Ryan
United States Attorney


By: LETITIA R. KIM
Assistant United States Attorney

cc: Fang-Yuh Hsieh (by e-mail and regular mail)

Fang-Yuh Hsieh
1394 University Avenue
Palo Alto, California 94301

Phone: (650) 462-1628

December 19, 2006

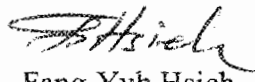
The Honorable Bernard Zimmerman
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Re: *Fang-Yuh Hsieh v. R. James Nicholson*
U.S.D.C., N.D. Cal., Case No. C 06-5281 PJH (BZ)

Dear Judge Zimmerman:

This is a brief response to defendant's request, dated December 18, 2006, for extension of time to object and respond to plaintiff's requests, and for continuing discovery conference. Since defendant's excuses are preventable and manageable, the plaintiff opposes defendant's request. At this time, the defendant's attorney and relevant VA persons can still reschedule their vacations or find a back up person to take over their responsibilities without causing disruption to the discovery process.

Respectfully submitted,


Fang-Yuh Hsieh
Plaintiff

cc: LETITIA R. KIM, Assistant United States Attorney (by regular mail)